

Indiana University – Purdue University Fort Wayne Opus: Research & Creativity at IPFW

Political Science Faculty Presentations

Department of Political Science

4-2010

Finding the Balance: A Political Analysis of the 2008 Reauthorization of the Higher Education Act

Susan B. Hannah

Indiana University - Purdue University Fort Wayne, hannahs@ipfw.edu

Follow this and additional works at: http://opus.ipfw.edu/polsci_facpres



Part of the [Higher Education Administration Commons](#), and the [Political Science Commons](#)

Opus Citation

Susan B. Hannah (2010). *Finding the Balance: A Political Analysis of the 2008 Reauthorization of the Higher Education Act*. Presented at Midwest Political Science Association Annual Meeting, Chicago, ILL.
http://opus.ipfw.edu/polsci_facpres/57

This Presentation is brought to you for free and open access by the Department of Political Science at Opus: Research & Creativity at IPFW. It has been accepted for inclusion in Political Science Faculty Presentations by an authorized administrator of Opus: Research & Creativity at IPFW. For more information, please contact admin@lib.ipfw.edu.

FINDING THE BALANCE: A POLITICAL ANALYSIS OF THE 2008 REAUTHORIZATION OF THE HIGHER EDUCATION ACT

Introduction

The Higher Education Act (HEA) is the largest single source of student financial aid in American higher education. In 2007-08, HEA programs generated more than two-thirds (\$143 billion) of all student aid funds for the 13.6 million FTE students enrolled in more than 6,900 accredited American postsecondary education institutions (College Board, 2008). Originally passed as a weapon in the War on Poverty in 1965, HEA was reauthorized in 1968, 1972, 1976, 1980, 1986, 1992, and 1998, expanding its mission and impact in response to public demand and political necessity (Hannah, 1996; Cook, 1998; Parsons, 1997; Gladieux & Wolanin, 1976). The most recent HEA reauthorization (HEA'08) was divided among two budget reconciliation bills passed in 2006 and 2007 and an 1150-page omnibus "Higher Education Opportunity Act" signed by President Bush in August 2008. Each HEA reauthorization represents a political point of balance between public demands and policy responses and each resets the trajectory of the relationship between the federal government and American higher education (Burd, 2003). The goal of this paper is to explain the HEA'08 reauthorization as a case study of the interplay between environment, issues, actors, institutional structure, and political dynamics in the policy process.

Most long-time HEA reauthorization participants agreed that by comparison the HEA'08 reauthorization process "took longer," was "more partisan," was fragmented by budget reconciliation, and compromised by a "broken" Congress. One facetiously compared the process to a bad Russian novel: "long, boring, and everyone dies." Participants disagreed about the consequence of the resulting policy outcomes. Some felt the results were "the most significant since 1992," expanding access to need-based grants, making loans cheaper and easier to repay, and broadening institutional eligibility. Others complained that in the end "nothing really changed," the process "involved the same people making the same speeches on the same issues," producing only incremental improvements in access at the price of "gimmicky" regulatory efforts while diminishing the original intent of "helping poor kids go to college." Many were concerned that HEA'08 recast the federal role in higher education from "partner to threat" and more than one saw the resurgent role of the Department of Education (DOE) and enhanced Congressional oversight as a step toward a federal system of higher education. Some speculated that moving key financial elements into budget reconciliation yet still ending up with a more than 1100-page act contributed to contradictory results and predicted the end of an omnibus legislative strategy for financial aid policy in higher education.

From a systems perspective, however, the policy outcomes of HEA'08 fell along predictable trajectories: an increased popular recognition of the economic benefits of postsecondary education combined with concerns about rising tuition prompted legislators to provide more direct funding for need-based grants plus more funding support for middle-class loans while also raising questions about higher education operations. The outcome was increased federal oversight and a continuing drift from the original redistributive intent of HEA. Individual advocacy coalitions were able to influence specific operational details to their constituents' advantage depending on their skills and resources, and increased partisanship in Congress sharpened debate over means and delayed resolution, but looking over time, the balance point for HEA '08 was a foregone conclusion (Spencer, 1999; Johnstone, 1998; Wolanin, 2003).

An investigation of the how and why of HEA '08 focuses on *knowledge of* the policy-making process, the "unfolding of actions, events, and decisions," as opposed to *knowledge in* the policy process, or policy content (Weimer, 2008; Schlager, 1999, p. 233). Section One outlines the conceptual framework of the analysis; the second section summarizes the significance of HEA and provides a brief history of previous reauthorizations. Section Three provides a brief chronological account of the major decision-points in the HEA'08 reauthorization process. The final analytical section seeks to explain HEA'08, concluding with predictions about what is likely to happen next. Research resources include the legislative record; primary materials from participating individuals and organizations; published press, expert, and academic analysis; and personal interviews with individuals involved in multiple reauthorization cycles.¹

Section One: Frameworks, Theories, and Models

Policy process analysis is based on a set of propositions about how the political world works. Elinor Ostrom usefully distinguishes such propositions by level of generality (Ostrom, 1999). At the broadest level, an analytical *framework* is a lens which focuses attention on general classes of variables and how they fit together into a coherent explanatory structure. The framework, in turn, generates multiple *theories* which posit testable *hypotheses* about relationships between certain variables and certain parameters. At the most specific level, *models* describe exact relationships among selected elements in a given situation.

My analysis of the HEA'08 reauthorization process builds on a broad systems framework that conceives of the political process as a means of converting public demands into governmental policy decisions. Policy outcomes result from the mediation of public demands by a plethora of interested office-holders, organizations, and individuals with varying political resources, are bounded by governmental structure and dynamics, and affected throughout by an ever-

¹ The Purdue University IRB determined that the research protocol (#0810007440) was in the exempt category. Interviewees were informed that their responses would be confidential and that no direct quotes or other identifying information would be used in any published or presented analysis.

changing environment (Easton, 1957; Lindblom & Woodhouse, 1993; Ripley & Franklin, 1991). In order to maintain legitimacy and thus survival, a stable political system must maintain a balance between demands and responses, producing policy outcomes which reflect the policy preferences of those with the superior political resources at the moment of decision and yet have enough broad support to be sustained as the political balance of power shifts over time (Lindblom & Woodhouse, 1993).

Working from this foundational framework, I organize my analysis of the HEA '08 process around four classes of variables or “streams” of events and conditions identified by policy process scholars as having both a singular and a collective impact on the policy-making process (Kingdon, 1995). My goal is to show how each “stream” impacted the HEA'08 reauthorization process and how, once converged, together explain the final outcome.

- (1) Environment: changes in socio-economic conditions, public opinion, systemic governing coalitions, and policy decisions in related subsystems (Lindblom & Woodhouse, 1993; Jones, 1994; Schlager, 1999);
- (2) Issues: the type, history, saliency, and impact of priority issues (Ripley & Franklin, 1991; Weiss, 1977; Hayes, 2007; Lowi, 1972);
- (3) Actors: the beliefs, motivations, resources, opportunities, and strategies of relevant actors, networks, and “advocacy coalitions” (Lindblom & Woodhouse, 1993; Sabatier & Jenkins-Smith, 1999; Berry, 1989; Parsons, 1997; Kingdon, 1995; Zahariadis, 1999); and
- (4) Institutional structure: the strictures of the institutional decision-making structure and “regime rules” (Jones, 1994) (Lindblom & Woodhouse, 1993) (Ripley & Franklin, 1991) (Dye, 1966) (Ostrom, 1999) (Schlager, 1999).

Section Two: Content and History of the Higher Education Act

Content

Divided into seven titles, HEA programs fall into four general categories: (1) student financial aid; (2) services to help students complete high school and succeed in college; (3) aid to institutions; and (4) aid to improve K-12 teacher training at postsecondary institutions.

Title IV includes the core grant, loan, and tax benefit programs that provide the majority of student financial aid. In 2007-08, an estimated 5.2 million students received \$14.4 billion in need-based Pell Grant funding, up 75% over the last ten years in constant (2007) dollars. Loan programs (student or family; subsidized or unsubsidized; private or direct government funding) accounted for \$66.8 billion and supported 42% of undergraduate and 63% of graduate students. The smaller campus-based work-study and matching state grant programs have not

increased significantly in constant dollars over the decade but helped 792,000 and 1.3 million students respectively in 2007-08. Another 8.5 million taxpayers benefited from \$6.5 billion in savings through federal education tax credits and deductions, added to HEA with the Taxpayer Relief Act of 1997. All told, 67% of the student aid for graduate and undergraduate students in 2007-08 came from the federal government.

Over the past decade, total student aid increased by 84% in inflation adjusted dollars, while total FTE postsecondary education enrollment increased 28%. For 2007-08, loan funds accounted for 70% of all federal aid funds, grants accounted for 22%, and tax benefits, the most rapidly growing sector, accounted for nearly 8%. The relative balance among the various types of aid has shifted over time with proportion of in loans and tax benefits increasing while the proportion in grants has declined as college prices have risen, family income has stagnated, and grant aid has not increased to fill the gap (College Board, 2008).

History

Initially, HEA was a redistributive policy based on the conviction that government should help low income students “with the ability to benefit” go to college as an investment in national as well as individual prosperity. With the 1944 GI Bill which provided educational benefits to veterans as precedent, President Truman’s 1947 Commission on Higher Education called for “equal education opportunity for all persons” as a “major goal of American democracy.” An Eisenhower administration study reaffirmed this stirring challenge, but old debates about redistribution from state to church, public to private, rich to poor stalled Congressional action. The Sputnik crisis reset the trajectory again, renewing the tie between investment in higher education and national security in the National Defense Education Act (1958) which provided tuition grants to students in education and the sciences and opened the door for further direct student aid for college. President Kennedy proposed need-based grants in the name of “equal opportunity” in 1963, but Congress once again balked and he had to be satisfied with the National Education Facilities Act to help universities copy with rising enrollments.

It took Democratic control of the presidency and Congress, President Johnson’s leadership, the momentum of the civil rights movement, and the War on Poverty campaign to sweep away old redistribution concerns and create the necessary Congressional majorities to support need-based aid for students to go to college. Written as an omnibus bill from the beginning, the original 1965 HEA authorized a new Education Opportunity Program (EOP) that created formula-based state funds to which institutions would apply on behalf of eligible students. HEA’65 also created a federally subsidized Guaranteed Student Loan (GSL) program for families with moderate incomes, made an earlier work-study program permanent, incorporated Upward Bound and from the poverty program and created the Talent Search program to recruit and support needy minority students (CQ Almanac, 1965; Gladieux & Wolanin, 1976). The

Student Support Services program (originally known as Special Services for Disadvantaged Students) was added in 1968 and “TRIO” was coined to refer to the three HEA education opportunity outreach programs.

The far-reaching HEA’72 reauthorization strengthened HEA’s access goals by establishing equality opportunity as the principal focus of federal policy toward higher education, ending the long institutional vs. student aid debate in favor of students. The centerpiece was a new need-based Basic Economic Opportunity Grant (BEOG) program of need-based grants awarded directly to eligible students as a “foundation” to be supplemented by the previous institution-based EOP scholarships, renamed Supplemental Education Opportunity Grants (SEOG), College Work Study, and federally guaranteed loans, plus a new state incentive program for need-based state scholarships (Gladieux & Wolanin, 1976, p. 224). Education Opportunity Centers were added to TRIO to aid recruitment, work-study was expanded, and the Student Loan Marketing Association (Sallie Mae) was chartered to purchase GSL’s in order to generate more student loan capital. “Postsecondary education” was broadened to include career and occupational training programs at community colleges and proprietary institutions. And the call for accountability began with the institution of the Fund for the Improvement of Postsecondary Education (FIPSE) and Congressional requirements for uniform institutional accounting standards in higher education (CQ Almanac, 1973).

With the Democrats in control of Congress, HEA’76 expanded loan eligibility, terms, and guarantees, TRIO, and institutional information requirements. The momentum culminated in President Carter signing the Middle Income Assistance Act of 1978 which essentially removed income as a requirement for federally subsidized loans. The five-year HEA 1980 reauthorization initially stumbled in the Senate over cost, but after some adjustment passed nearly unanimously, establishing a new loan program for parents, increasing interest rates on student loans, and increased limits on education grants to students. HEA’80 also restructured the program of aid to developing institutions, established new grants to urban universities, and perhaps most significantly, renamed the foundational BEOG program after its original sponsor, Senator Claiborne Pell (D-RI) (CQ Almanac, 1981).

Divided partisan control in Congress, an anti-education stance in the White House, and growing budget concerns shifted the trajectory of federal-higher education policy considerably during the 1980’s. Access issues were downplayed in HEA’86 (the addition of the McNair Achievement Program to TRIO reflected the prevailing climate) and the budget reconciliation acts in 1988 and 1990 increased loan limits, but also raised interest rates and reinstituted income caps and tightened restrictions on students, lenders, and institutions to deal with increases in defaults. The GSL program was renamed for another long-time HEA supporter Senator Robert T. Stafford (R-VT) in the 1988 reconciliation, and “pay-go” provisions for any new direct spending in the

1990 bill foreshadowed continuing budget restrictions. Although federal government spending for postsecondary education did not grow in the 1980's (ACE, 2002), government interest, some would say intrusion, in higher education was strengthened in 1988 when a Democratically controlled Congress passed the "Grove City Bill" over President Reagan's veto, overturning a Supreme Court decision in *Grove City College v. Bell*, 465 U.S. 555 (1984) which had limited enforcement of civil rights legislation at private colleges (Graham, 1998).

Caught up in default scandals, budget concerns, calls for greater accountability, and partisan jockeying for support from middle class voters in a presidential election year, HEA'92 outcomes at first seemed largely incremental, much to the disappointment of longtime HEA sponsors. The most consequential included once again dropping Income eligibility for guaranteed loans, allowing less than half-time students to be eligible for aid, instituting a single aid application form, liberalizing needs analyses, tightening reporting requirements, opening loan provisions and the "program integrity triad" of the federal government, states, and accrediting agencies to negotiated rule-making, and establishing a pilot direct-lending (DL) loan program in which the federal government rather than private lenders provide the loan funds allegedly to save money in lender fees and subsidies (Hannah, 1996; Parsons, 1997).

As the 90's progressed, however, HEA'92 became regarded as pivotal in redirecting the trajectory of the federal-higher education relationship from a largely bipartisan to a partisan track and from "a back burner to a front burner" issue (NAICU, 2008; Spencer, 1999; Prisco, Hurley, Carton, & Richardson, 2002). Newly elected Democratic President Bill Clinton reset the trajectory almost immediately when he expanded the nascent DL program, connected it to his prized national service program and established income-based loan repayment options through budget reconciliation in 1993, setting off the continuing DL (government lender) vs. FFELP (private lender) wars and bringing partisanship to HEA. Even behind-the-scenes negotiated rule-making on accreditation was affected when DOE forged ahead with a Republican accountability agenda, prompting the loud opposition of the higher education community (Pelesh, 1995).

After gaining control of both houses of Congress in 1994, Republicans made education a central part of their "Contract with America." Republican leadership proposed to eliminate direct leading and make dramatic cuts in grant and loan programs in the name of less government and low taxes through budget reconciliation in 1995, but could not override Clinton's veto. Cleverly combining education with tax relief ("a traditionally democratic issue with a republican method" noted one observer), Clinton countered with the Taxpayer Relief Act of 1997 which allowed families to deduct tuition from their tax liability and continuing the shift from the traditional HEA focus on "access" to the more politically palatable "affordability" (Spencer, 1999). Other HEA issues generating high political visibility were teacher education in

Clinton's 1997 plan to add 100,000 new "master teachers" and the rapidly rising increases in college tuition as highlighted by the Republican's "National Commission on the Cost of Higher Education" chartered in 1997.

Participants consider the HEA'98 reauthorization the "end of an era." Both the House Republican and Senate Democratic education committee chairmen were long-time HEA-supporters and agreed in advance to keep reauthorization true to HEA's bipartisan past and collaborated to bring the bill in on time with almost unanimous support. Debates over loan interest rates, funding for Hispanic-serving institutions, and performance-based accountability resulted in compromise. HEA '98 did launch "GEAR UP" as a new outreach program to low-income middle school youth, created three new grant programs for teacher training, authorized small increases in Pell, proposed programs to combat college alcohol and crimes against women, and required NCES to begin annual reports to Congress on college prices – foreshadowing HEA'08. But calls for a simpler application process and questions about government lending and oversight capacity were left largely unresolved (Kirchhoff, 1998; CQ Press, 2002; Burd, 1998). In the end, the balance point for HEA'98 maintained the direction set in HEA'92, shifting the trajectory from grants to loans, access to affordability, partnership to direction, institutional autonomy to national purpose, bipartisan goals to partisan means (Spencer, 1999). Even then, analysts predicted that given the absence of any intellectual or political foundation for change, the next reauthorization cycle would likely be more of the same (Johnstone, 1998).

Section Three: HEA'08 Reauthorization Timeline

Unlike any of its predecessors, the HEA'08 reauthorization process was spread over four Congresses, delaying the reauthorization originally scheduled for finalization in 2003 by five years and prompting 14 extensions². The following summarizes the progress of reauthorization by Congress, highlighting major Committee actions and responses from the higher education community. Committee hearings are given special notice, not because of their importance in the decision-making process, but because they illustrate the issues that dominated the HEA'08 debate³

The HEA reauthorization process usually begins in the fall two years before the last reauthorization is due to expire. During the fall, the House committee responsible for higher education issues a call for proposals due early the next year. Congressional committees hold hearings during spring and summer, draft legislation and hold mark-up sessions over the fall and winter, moving through committee, floor, and conference debates and votes the following

² 9/25/04; 9/30/05; 12/30/05; 4/1/06; 6/30/06; 9/30/06; 7/3/07; 7/31/07; 10/31/07; 3/24/08; 5/13/08; 5/30/08; 6/60/08; 7/31/08.

³ A full listing of HES-related hearings is given in Appendix A.

spring, and send an approved bill to the president by summer. HEA'08 began on schedule in fall 2002 two years before the HEA'98 was due to expire on September 30, 2004. Then things began to fall apart.

Timeline

107th Congress (2001-02)

Republican Presidency and House (221-214); Democratic Senate (51-49).

Second Session (2002)

The issues and dynamics that were to dominate HEA'08 were in place before the formal reauthorization period began. In February 2002, the Department of Education released an HEA'98-required "Study of College Costs and Prices 1988/89 to 1997." In March, the Republican White House released a 5-year Strategic Plan for the Department of Education (DOE) which included No-Child-Left-Behind-inspired goals for improving higher education by using graduation and retention rates and reduction in tuition increases to judge institutional performance and increase accountability. Over the next few months, the Republican House Education and the Workforce Committee (EWC) and its subcommittees charged with higher education held hearings on the effectiveness of financial aid in increasing access to higher education, the performance of historically Black Colleges, the role of accreditation in assuring quality, the rationale for the increase in college costs, and the quality of teacher education, issuing the traditional public call for HEA reauthorization policy proposals in September. During the same period, the Democratic Senate Higher Education and Labor Committee (HELP) held hearings on equalizing student options for loan consolidation and on assuring the quality of web-based education. In December, the DOE proposed a grant program to tie retention and graduation rates to financial aid funding. And so it began. Cost and accountability would dominate as long as the Republicans were in charge. Taking back the Senate and retaining a majority in the House in the November elections gave them full opportunity.

108th Congress (2003-2004)

Republican President, House (229-206), and Senate (51-49).

First Session (2003)

The lines were drawn in 2003 when the higher education community (one letter was signed by 40 associations) presented their largely incremental proposals for reauthorization in January and March, and then spent the rest of the year responding to dramatic proposals for reform generated by an aggressive House EWC. In March, Rep Buck McKeon (R-CA), chair of the House EWC's Subcommittee on 21st Century Competitiveness which oversaw the bulk of HEA, proposed a "College Affordability Index" (CPI x 2) as a standard for controlling tuition increases. Sanctions would be imposed on institutions that raised tuition and fees above this standard,

including withdrawal of eligibility for government financial assistance. In May McKeon chaired a subcommittee hearing with the revealing title “The State of American Higher Education: What are Parents, Students, and Taxpayers Getting for their Money?” and with EWC chair John Boehner (R-OH) released EWC’s HEA reauthorization goals: access, accountability, quality, costs, simplification, and preparation for college. McKeon divided EWC proposals on HEA Titles II (teacher education), VI (international education), and VII (graduate education) into separate bills, held hearings on each one, oversaw their passage out of committee and the House and sent them on to the Senate over the loud objections of the higher education community. During the summer and fall, EWC also held hearings on affordability, simplification, loan consolidation, college costs, accountability, and minority-serving institutions. In September, McKeon introduced bills for Title III (accessibility and minority serving institutions) and in October for the key Title IV (financial aid), the latter with no Democratic co-sponsors.

The Senate took a less strident and less partisan path, not holding hearings on reauthorization issues, including one on the intellectual diversity, until October. Fall also saw the Democratic minority presenting their own HEA proposals, with Senator Ted Kennedy (D-MA), longtime HEA supporter and ranking minority member of HELP, introducing his HEA proposal (S 1793) in October and the Democratic minority on EWC their Title IV bill in November. The many higher education associations, think tanks, and industry-related organizations submitted reports, responses, and counter-proposals throughout the year, influenced by surveys showing continued high public support for higher education but also growing concerns about cost and accountability (Immerwahr, 2004). By fall new coalitions were formed for and against proposed changes in the loan programs. Clearly the battle was joined.

Second Session (2004)

Opposition to Republican proposals and efforts to find compromise both grew during the second session. In January, Senate Majority Leader Bill Frist (R-TN) included HEA reauthorization as a top priority for 2004, and President Bush reiterated his HEA goals a month later. Several higher education associations were invited to help EWC staff draft a new HEA bill (HR 4283) consolidating the individual title bills introduced the previous session, but Democrats complained that they were excluded. McKeon dropped the penalties in his College Affordability Index proposal at this point, crediting the American Association of State Colleges and Universities (AASCU), but warned he would put them back if colleges did not hold down tuition. The Senate HELP committee held hearings on accreditation, higher education-workforce related issues, and year-round academic calendars in March, but beyond individual Senators announcing that an HEA bill was under development, took no further action for the rest of the session.

In May the Education Trust released its “A Matter of Degrees” report on how to improve graduation rates, prompting reactions across the board. The same month, a coalition of higher education associations sent letters criticizing parts of EWC’s HR 4283 draft and developed a “toolkit” for institutions to use in lobbying their Congressmen and Senators about the bill. In response, McKeon and Boehner published a letter accusing the higher education community of not being connected to the interests of parents and students and taxpayers. By June McKeon was saying that his subcommittee would not vote on the HEA bill this year because the issues had become “too partisan,” a theme echoed by other Republican leaders who were concerned because Democrats were already making Republican proposals a campaign issue. The House EWC and its higher education subcommittees continued to hold hearings during the fall on various HEA issues – proprietary institutions, accreditation, graduation rates, textbooks, and diploma mills – but took no further HEA votes. In the November elections, Republicans retained control of the Presidency and Congress and the upper hand in the HEA reauthorization process.

109th Congress (2005-06)

Republican President, House (232-203), and Senate (55-45).

First Session (2005)

2005 was a critical year of decision for HEA’08. HELP and many higher education associations unanimously supported President Bush’s nomination of Margaret Spellings as Secretary of Education in January. Senator Michael Enzi (R-WY) took over the chairmanship of HELP when Senator Judd Gregg (R-VT) became Budget Committee chair; Senator Kennedy remained the ranking member. House committee chairs did not change. Several higher education associations met with DOE staff in January to discuss the feasibility of a unit record system to track the enrollment of students who receive financial aid as a response to proposed graduation rate standards, but the idea eventually was dropped due to aggressive private college opposition. The President’s FY06 Budget presented a month later included a number of HEA-related proposals cutting several access programs and lender subsidies in order to expand Pell funding and loan eligibility, prompting quick response from all quarters of the higher education community. The subsequent Congressional FY06 Budget Resolution passed both the House and Senate in April along party lines, initiating a budget reconciliation process that required EWC to find \$13 billion in entitlement savings by mid-September. From this point on, HEA reauthorization was split into two parts, with key funding and operational provisions on grants and loans moved (“hi-jacked” according to one participant) into the more restrictive budget reconciliation process while program authorization proceeded along the traditional legislative path.⁴

⁴ Created in 1974 as part of the congressional budget process, “reconciliation” begins when Congress issues directives to authorizing committees to make policy changes in mandatory spending (entitlements) or revenue

The House EWC and its subcommittees continued HEA hearings on for-profit education, the impact of aid on cost, credit mobility, and private vs. public aid over the spring and summer, adding two field hearings on the nursing shortage in the fall. EWC also considered comments on HR 609 (a re-introduction of HR 4283 from the 108th Congress) that included the budget reconciliation measures, passing it out of EWC on a party-line vote in July. The Senate's HELP held hearings on accountability and workforce-higher education issues in the spring, and involved the higher education community in drafting its own HEA proposal (S 1614) co-sponsored by Senators Enzi and Kennedy which was unanimously approved in early September, attaching its less stringent budget reconciliation proposals by a 15-5 vote a month later. Intending to look past reauthorization, Secretary Spelling announced the formation of a National Commission on the Future of Higher Education in early fall to recommend a national strategy for strengthening higher education with a focus on access, affordability, instructional quality, and accountability. In November both House and Senate narrowly passed budget reconciliation bills that included HEA-related financial provisions. Attempts to pass a combined HEA/reconciliation conference package (S 1932) failed, with VP Cheney casting a tie-breaking vote sustaining a point of order that eliminated the authorization provisions from the package. The Senate then approved a version without the HEA provisions, pushing a House vote on just the budget provisions to the next session.

Second Session (2006)

In February, the House narrowly approved the revised HEA budget reconciliation conference report by a vote of 216-214. Bush signed the "Deficit Reduction Act of 2005" (PL 109-171) on February 8, 2006, enacting the first of the three pieces of legislation that were to comprise the HEA'08 reauthorization. Notable changes authorized by Title VIII. A. of PL 109-171 dropped the 50% rule which had limited the proportion of distance courses or students an institution could have to be aid eligible; increased loan limits; revised and reauthorized HEA loan provisions for eight years, raising interest fees and interest rates for parents and students for five years; and used some of the savings for new scholarships in selected fields or for academic performance.

McKeon became EWC chair in February when Boehner was elected Majority Leader. Under his leadership, the House debated and approved its HEA reauthorization bill (HR 609), minus the reconciliation provisions but with many amendments, on a party-line vote in March, prompting mixed reactions from the higher education network. EWC held a field hearing on "Paying for College" and another on illegal piracy on campuses at the behest of the entertainment industry later in the fall but otherwise the process shifted to the Senate. After holding a hearing with

programs (tax laws) to achieve spending and revenue goals established by budget resolution. Intended as a spending constraint, reconciliation has become an important means for the majority party to force policy change because the resulting budget reconciliation bills are considered under special rules that limit amendment and prevent filibuster (www.rules.house.gov/archives/bud_rec_proc.htm).

Secretary Spellings and a roundtable on the role of education in building global competitiveness in February, HELP did not act further while Senator Kennedy negotiated changes in the budget reconciliation's loan provisions. In September, Secretary Spelling's Commission on the Future of Higher Education released a report critical of higher education performance and soon after the Department of Education announced proposals to enact many of its regulatory recommendations. Largely in reaction to the calls for greater accountability, two of the most politically active higher education associations AASCU and NASCLGU teamed up to announce a new "Voluntary System of Accountability" project about the same time. In November, the mid-term elections gave the Democrats control in the House and Senate, shifting the balance of power and the emphasis for HEA a second time during the reauthorization process.

110th Congress (2007-08)

Republican President; Democratic House (223-202) and Senate (51-49).

First Session (2007)

With the change of majorities, key education committee chairs and ranking minority members switched roles and action on HEA changed focus and picked up speed. The Democratic leadership included Pell increases and student loan rate reductions in their high-profile "Six for '06" Congressional agenda, quickly adopting the strategy used by previous majority parties of authorization through reconciliation to limit debate and avoid filibuster. Their FY08 budget resolution called for a budget reconciliation bill to achieve savings in educational programs by reducing and redirecting lender subsidies to increase Pell and other forms of direct student aid. President's Bush's FY08 budget issued in March proposed similar reductions, but to reduce the deficit and provide smaller increases in Pell. In February Secretary Spellings convened financial aid experts to develop "ambitious" ideas for changing financial aid post reauthorization. In April New York Attorney General Andrew Cuomo settled an investigation of "kickbacks" from lenders to certain higher education institutions, creating what one observer called a "perfect storm" for private lenders and adding further support to the redirection strategy.

In May, the House passed a separate "Student Loan Sunshine Act" which established requirements protecting students receiving educational loans; Kennedy incorporated similar provisions into the Senate version of HEA. Senator Lamar Alexander (R-TN) announced his opposition to DOE proposals regarding accreditation regulation in May, followed in June by a letter from HELP and resolution from the House Appropriations Committee prohibiting DOE from setting accreditation standards. The ELC held hearings in the spring and summer on access, college preparation, paying for college, campus safety, teacher preparation, and minority serving institutions, the latter in response to a GAO monitoring report.

ELC's FY08 budget reconciliation bill, the "College Cost Reduction and Access Act of 2007" (HR 2669) passed the House in July on a vote of 273-149 after partisan debate on new mandatory

programs, cuts in lender subsidies, and the targets of redirected funds. HELP held an Executive Session on HEA and budget reconciliation in June, maintaining the bipartisan approach of Senators Kennedy and Enzi. In July, the Senate debated for two days and then approved its reconciliation bill (S 1762) on a 78-18 vote and its HEA bill (S 1642- a re-introduction of S 1614 from the 109th Congress) by a 95-0 vote, the latter with 19 amendments on a variety of topics from campus-based digital theft prevention to loan repayment for legal assistance attorneys. In September the budget reconciliation conference report (HR 2669) passed both houses by large majorities. President Bush signed the “College Cost Reduction and Access Act of 2007” on September 27 after initially threatening a veto, citing Republican concerns about the size of cuts in lender subsidies, new programs, loan repayment options, loan forgiveness additions, and long-term cost.

The CCRA enacted a number of key HEA financial provisions, resulting in significant changes in the loan programs and providing permanent funding for Pell for the next six years. Through reconciliation, savings of \$20 billion in subsidies for private lenders were used to relax eligibility and increase Pell with permanent funds rather than the usual annual appropriation, cut interest rates in half for new subsidized loans, create income-based repayment options, expand teacher education and other targeted grant eligibility, institute loan forgiveness for certain public service work, and authorize a pilot program allowing for state auctions for PLUS loans.

Attention now shifted to passing the rest of HEA. The Senate’s HEA bill S 1642 had passed unanimously the previous July. House Republicans introduced their version in October (similar in tone to HR 4283 in the 108th and HR 609 in the 109th Congresses). ELC Chair Miller held hearings on rising college costs in early November and introduced the Democratic version of HEA (HR 4137) soon afterwards, getting a 45-0 ELC approval and reporting it on to the House by the Christmas break. In December DOE’s Advisory Committee on Accreditation met to discuss the continuing issue of accreditation regulations.

Second Session (2008)

In January, Sen. Max Baucus (D-MT), chair, and Sen. Charles Grassley (R-IA), ranking member of the Senate Finance Committee, sent a letter to 136 institutions with endowments of more than \$500 million asking for information about how they spent their funds, with an eye toward proposing a 5% or more expenditure rate. The letter sparked roundtables, hearings, and bipartisan pro and con testimony that eventually extended past HEA’08. After compromise engineered by the higher education community in language defining “cohort default rates” and state “maintenance of effort” requirements among others, the House passed HR 4137 by a 354-58 vote in early February. House and Senate conferees began work in March. Both education committees continued to hold HEA related hearings, ELC on HUBC’s in March, and the Senate a field hearing on affordability in April. Congressmen and representatives from

across the higher education issue network vigorously lobbied the conference committee about preferred provisions in the House or Senate bills throughout the spring. In May Senator Barbara Mikulski (D-MD) took over Senate leadership on HEA when Senator Kennedy became ill, determined to complete reauthorization in his name. Contentious provisions included new reporting regulations, state maintenance of effort requirements, and funding for HUBCs as the definitions of “minority-serving” institutions were broadened. ELC chair Miller prodded Mikulski almost daily to move the Senate side along. Many participants were concerned that if the bill did not pass before the August break, HEA would be further delayed by election year politics. In June higher education associations representing most public and private institutions (AASCU, NASCLGU, and NAICU) released templates for their members to use in reporting standard consumer information to enhance transparency for students and parents.

In July the process almost stalled again until Sen. Tom Coburn (R-OK) was persuaded to lift his hold on the bill as part of a larger protest federal spending. The next week the House passed the conference report on the “Higher Education Opportunity and Affordability Act of 2008” (HEOA) by a vote of 380-49 and the Senate agreed by a vote of 83-8-1; President Bush signed PL 110-315 on August 14, and the last piece of the HEA’08 was complete.

HEOA ended up being 1,158 pages long and included 101 new reporting items for institutions of higher education, including textbook costs, “net cost”, graduation rates by income category, transfer-of-credit policies, peer-to-peer file sharing policies, teacher licensure pass rates, and lists of lenders. Regulations regarding relationships between institutions and private student loans were tightened, for-profits were granted a two-year loan limit reprieve, the ban on certain kinds of higher education lobbying was reiterated, and campuses were required to report emergencies as soon “as feasible.” DOE was prohibited from establishing a student record system or setting student achievement standards via accreditation but could require that accrediting agencies do so. Pell was authorized as a year-round program and limits were increased to \$8,000 by 2014. States were to be denied access to certain grants if they did not maintain the last five year’s average support for higher education. Some 70 new programs were authorized (many added at the last minute to gain votes), although few were expected ever to be funded. HEOA also authorized six new studies on yet unresolved aid and higher education issues: the amounts and uses of endowment funds, the impact of federal regulation on college cost, the possibility of racial bias in admissions tests, the mix of criteria for private loans, the burden of federal regulation of higher education, and the impact of cost and debt on student choice of programs of study and institutions.⁵ HEA approved until 2014 when the next reauthorization cycle would set the federal-higher education trajectory yet again.

⁵ For a more detailed review of HEOA provisions see (ACE, 2008).

Section Four: Explaining HEA'08

To understand how and why HEA'08 “unfolded” as it did is an intriguing case study in the interplay of pressures generated by the environment, the nature of major policy issues, the resources and strategies of the principal actors, and the dynamics created by the legislative decision-making structure itself. In the discussion below, I use hypotheses developed by policy process scholars concerning these four classes of variables or “streams” to demonstrate that given the circumstances, the outcome for HEA'08 was, as predicted, largely predictable.

Environment

Participants in the HEA'08 story agree with policy process theorists that the socio-economic and political environment surrounding reauthorization had a significant influence on policy outcomes (Lindblom & Woodhouse, 1993; Jones, 1994; Schlager, 1999). The following factors were noted most often by HEA'08 observers and participants.

Growing Importance of Higher Education

Preparing America for the “Information Age” through education is now a priority issue from kitchen tables to local school boards to Congress. As Tom Friedman argued *The World is Flat* (2005), in a world where more and more jobs can go anywhere, the global race to the top is about producing the most educated and innovative workforce, making higher education a national as well as a personal imperative. While higher education has shifted its focus through the millennia to adjust to social and political demands (Scott, 2006), this new responsibility for national and indeed human well-being is a heavy burden. Every aspect of what once was a quiet intellectual enterprise affecting relatively few, now is open to question as higher education is challenged to broaden and to upgrade its impact (Ewell, 2008).

Higher Education's “Legitimacy Paradox”

Trends in public attitudes toward higher education point to a growing “legitimacy paradox” in which college degrees are seen as essential for career success, while the institutions themselves are at once respected and viewed with suspicion (Spencer, 1999). A recent poll by the National Center for Public Policy and Higher education, for example, found that 87% of Americans feel that high school seniors will have better job prospects if they go on to college (Immerwahr & Johnson, 2009). Moreover, *The Chronicle of Higher Education* found that 93% of their poll respondents agreed that “higher education institutions are one of the most valuable resources to the United States” (Selingo, 2004).

At the same time, the majority of Americans, especially minorities and/or lower incomes, worried that college costs were rising so fast that many qualified students could not attend, that colleges could cut costs and retain quality, and that colleges focus too much on non-academic issues (Immerwahr & Johnson, 2009). An AAUP poll also found challenge to core

academic values of tenure and academic freedom and an increase in the percentages supporting firing “radical” faculty and countering “liberal bias” (Curtis, 2006).

Broad public dissatisfaction with the performance of K-12 education even in the absence of cost concerns had already paved the way for equally broad public acceptance of federal intervention (Lowry, 2009). Public opinion regarding higher education, however, was more complex. The tensions created by the public belief in the quality and purpose of higher education and questions about declining access, rising costs, privileged status, and institutional operations provided a backdrop of mixed public messages for policy-makers throughout reauthorization.

College Enrollment/Graduation Trends

Trends in college enrollments provided their own environmental impact. By the time HEA’08 was finalized, the DOE reported that 66% of high school students planned to go on to college, and a diverse cadre of 17.5 million students were enrolled in a 4,314 public, private, and for-profit, 2-year and 4-year, degree granting institutions scattered across the country (NCES, 2008). 86% of those enrolled were undergraduates; 74% were enrolled in public institutions which granted 64% of all degrees, 62% were full-time; 57% were women; 37% were in two-year institutions; and 32% were minority (The Chronicle, 2008; NCES, 2008). Some 75% were “nontraditional” in the sense that they were not a high school graduate or did not come to college directly from high school, or were attending part-time and working full-time, or were financially independent, married, or had dependents (Wolanin, 2003). Moreover, the student population was shifting to public institutions (74%) from private (19%), with enrollments in for-profit institutions up from 3% to 7% over the last decade and the percent of associate degrees awarded by for-profits rising from 9% to 15%. During the same period, the student population aged and became more ethnically and racially diverse, although neither the profile or graduation rates changed as quickly as many wanted (College Board, 2008). The variation in needs, interests, and success of so geographically and demographically diverse a population of students and institutions created another cluster of conflicting demands and mixed signals for HEA’08 policy-makers.

Federal and State Budgets

The fact that, as one participant noted, “the federal government is broke” meant that the “pay-go” rules – any program requiring new funding would have to be balanced by cuts elsewhere -- created a horse-trading environment for HEA’08. The primary federal reallocation targets were the generous fees and subsidies paid to private lenders to induce their participation in loan programs. Everyone agreed the subsidies were too high; the debate was over where to reallocate the “savings”. State budgets were no refuge as K-12, Medicaid, and law enforcement spending grew and higher education’s share declined along with state revenues, a fact that resulted in state “maintenance of effort” becoming a major issue in HEA debates.

The “College Cost Crises”

While the competition for public dollars and attention was not new to reauthorization debates, the rapidly rising cost of higher education created an unavoidable and consequential demand for government action in HEA’08. A plethora of reports issued as reauthorization debates began made it very clear that “over the last two decades, the cost of attending two- and four-year public and private colleges ... has grown more rapidly than inflation, and faster than family income as well” (National Center, 2002, p. 5). (See also NCES, 2001; Boehner & McKeon, 2003; The College Board, 2008; Field, 2009.) Previously cost had been politically translated into “affordability” and dealt with through incremental increases in Pell grants, dramatic expansion in loan options for middle-class students and families, and revolutionary tax credits through the Taxpayer Relief Act of 1997. The message that middle class families were “losing ground” in paying for college at the very moment college was becoming more and more important was a common complaint to Congressmen across the country. Two-thirds of those surveyed in an NEA poll taken prior to the 2008 presidential election believed that given the importance of a college education in making the U.S. competitive in the global economy, the federal government should play a “substantial” role in making college more affordable (NEA, 2008). Variations in cost by region and type of institution, uneven public-private enrollment distributions, and the complexity of college expenditures, however, made it difficult to determine what to do and for whom.

Political Positioning

Moving to the political “front burner” pulled higher education into the full political fray. The political landscape of the HEA’08 process featured close elections and increased partisanship as parties emphasized their differences while competing for the same largely independent voters for whom education is a priority. Congress changed partisan hands on narrow margins twice during HEA’08. The traditionally bipartisan and “hands off” approach to higher education was abandoned as each party staked out claims for the education vote. New interest groups and think tanks appeared on all sides. Old and new actors alike took up “permanent campaign” methods of polling, focus groups, media strategies, grassroots constituency mobilization through technology, unified association messages from DC, and myriad reports and studies using “scientific” data to make their point (Spencer, 1999; NAICU, 2008). While neither the public nor many in Congress always saw the debate over the appropriate federal role in higher education in partisan terms (Parsons, 1997; Doyle, 2007), the conflict between rising college costs and rising national and personal debt eventually forced everyone to take a position and left higher education at the mercy of the political and partisan winds.

Republicans capitalized on public ambivalence and proposed dramatic NCLB standards-based regulation. The lack of a core Republican focus on higher education -- no Republican “ran on higher education” as one participant put it – meant, however, that reformers responded to

opposition with delay rather than force conflicts that might jeopardize higher party priorities. Congressional Democrats continued their long-standing commitment to HEA's access goals, encouraged constraint and openness to demonstrate fiscal responsibility and largely held for the status quo. HEA was caught in the cross-fire.

Climate for Change

Early in the reauthorization process, long-time HEA participants and observers Bruce Johnstone (1998) and Tom Wolanin (2003) predicted that for economic as well as political reasons, whatever policy shifts emerged were likely to be incremental and "more of the same" rather than dramatic redirection. Johnstone, a higher education finance expert and previous DOE analyst, argued that "something so large, complex, and politically robust as higher education finance...together with the enormous variation already in the system, both in the per-student expenses and in the sharing of these costs, plus the existence of powerful parties with stakes in the status quo – all make revolutionary change unlikely." He also believed that there were no credible alternatives to the current higher education finance system or to the structure of college and university operations likely to increase income or to control the cost (Johnstone, 1998, p. 253). Wolanin, previous staff director for Rep. Bill Ford (D-MI) who had significant influence over HEA reauthorizations from 1965-92, agreed with Johnstone's assessment of the lack of an intellectual or political foundation for major change, adding that the higher public priority of K-12 education, a bare federal budget, and close partisan balances in Congress made significant policy change in any realm including higher education unlikely. He noted, however, that the "fact that the HEA reauthorization is likely to be incremental does not mean that it will be unimportant," especially to the millions of students and institutions affected by even small changes. He worried even then that incremental changes that narrow access or increase the regulatory burden could have a significant negative impact (Wolanin, 2003, pp. 2-4). Many thoughtful observers believe that is exactly what happened.

Issues

Policy Type

Policy outcomes are also affected by the nature of the policies themselves. Policy scholars have long noted that that different policy types (as defined by impact on society, i.e. who benefits) generate different political dynamics or "power arenas" (Lowi, 1964; Lowi, 1972; Hayes, 2007; Ripley & Franklin, 1991). *Redistributive* policies reallocate resources from one social group to another and are inherently contentious and require strong political coalitions to prevail. *Distributive* policies benefit almost everyone and are characterized by pork barrel and log-rolling political strategies. *Regulatory* policies allocate benefits under behavioral rules set by administrative agencies, generating a "power arena" dominated by interest group and party politics in which decisions are shaped by those with the greatest political resources. These

typologies and dynamics can be subdivided depending upon the context, the relative strength of the executive, the activism of party and Congress, and the presence of organized interests (Hayes, 2007; Lowi, 1972). Experience with a policy over time also can shift the ideas and orientations of participants as they learn to adjust to new realities as initially radical ideas become generally accepted expectations (Weiss, 1977; Heclo, 1978).

Legislation that is as old and as complex as HEA demonstrates variations in all three policy/political patterns and the perhaps inevitable convergence toward a regulatory political dynamic. Redistributive policies such as HEA'65's need-based grants, for example, benefit a few at the expense of the many and require a strong executive who can control Congress and mobilize public support. As presidential strength and commitment weakened over time and as Congress became more divided and beneficiaries remained unevenly organized, that configuration dissipated as did the focus of HEA which became more distributive with each reauthorization as supporters sought a broader constituency (Ripley & Franklin, 1991; Parsons, 1997; Cook, 1998; Hannah, 1996).

Predictably, the redistributive history and distributive present of HEA appear to be leading to a regulatory future. The "access" theme of the 1960's and 70's, evolved to "affordability" in the 1980's and 90's, and became "accountability" with HEA'08. Regulatory theory predicts as much, holding that once government investment reaches a certain point, self-regulation such as the regional peer accreditation system in higher education cannot adequately reflect the public interest or justify continuously increasing federal investment (Finkin, 2009; Finkin, 1994). Congress then steps in and either establishes standards or delegates the task to administrative rule-making agencies, completing the perhaps inevitable transition to a regulatory "power arena." Old redistributive divides between haves (bankers) and have-nots (students) did emerge in debates on whether and how to increase Pell grants for needy students or expand income-based loan programs by reducing lender subsidies, but even these were impacted by questions about what taxpayers were getting for their money. In the end, history and environment conspired to make greater oversight the price for increasing student aid, continuing the trajectory from access to affordability to regulation.

HEA'08 Issues

The central issue for the Republican majorities who controlled the executive for all and Congress for most of the 2002-2008 HEA reauthorization period was how to control the rising cost of higher education. Since there was no new money for increasing aid, the solution, so the argument went, was to control costs by closer scrutiny of how higher education institutions performed in order to hold them "accountable." When the Republican-led EWC issued its call for HEA reauthorization recommendations in September 2002, traditional HEA access and affordability goals were acknowledged but the theme of accountability clearly dominated:

- Expand access to higher education;
- Ensure accountability in the use of federal funds as well as for the education provided;
- Promote quality educational opportunities;
- Address the rising costs of higher education;
- Simplify student aid and institutional aid programs; and
- Promote student academic preparation for postsecondary education.

Supported by President Bush, DOE's HEA issue list was longer, but similarly stressed efficiency, results, and accountability, looking for ways to improve performance given the "significant levels of funding for HEA programs" (Office of Postsecondary Education, 2002). The higher education community, on the other hand, was relatively satisfied with HEA and proposed to focus on traditional access and affordability issues by increasing Pell grants, making loans cheaper and easier to get and to collect, simplifying the application process, improving pre-college information and preparation, and assuring program integrity and quality (Wolanin, 2003; AASCU, 2003; 40 HE Associations, 2003). A few "sideshow" issues (as they were called by one participant) sponsored by individual Congressmen or well-connected interest groups – fire safety, emergency notification, file-sharing, loan forgiveness -- got a hearing and in some cases action, but were not at the center of the debate.

Accountability Dominates

The titles of House and Senate education committee hearings on HEA make clear that whether the subject was consolidated loan interest rates, Pell grant eligibility, the impact of tax benefits, barriers to course credit transfers, questions about the degree of intellectual freedom on college campuses, the sufficiency of peer-based accreditation to assure quality, how to improve graduation rates, bias in international education, concerns about the adequacy of teacher preparation programs, improving outreach, or the fiscal integrity of minority-serving institutions, all sessions were transformed into discussions of how to make higher education more accountable (Appendix A).

Concerns about cost, for example, led to discussions about time to graduation which raised issues of enrollment in multiple institutions and problems in transferring courses across institutions, slowing graduation and allegedly increasing costs. The transfer issue also engaged for-profit institutions concerned about the reluctance of traditional higher education institutions to give their courses academic credit. Thus ensued contentious debates over whether or not institutional autonomy over transfer credit should give way to some form of national regulation, splitting the higher education community and ending in compromise in HEOA by which institutions are required to publish their "transfer-for- credit" policies but not told what those should be. Similarly, the disparity in cost and funding sources across public and

private institutions produced a fascinating series of hearings and debates over the use of endowment income, prompting a bipartisan proposal requiring a percentage to be spent to reduce tuition that rallied most of the higher education community in opposition and ended in an HEOA provision for further study by the Comptroller General.

The dominance of the accountability theme is demonstrated by the high-profile debate over accreditation, one of the most contentious during HEA'08. HEA provisions regarding accreditation are significant because all postsecondary institutions must be accredited by a federally recognized accrediting agency in order for their students to be eligible for financial aid. The process of federally sanctioned higher education self-regulation has had a stormy history that actually predates the Federal Constitution (Harclerod, 1980). The current arrangement was created in 1952 when the U.S. Commissioner of Education published a list of "nationally recognized accrediting agencies and associations he determines to be reliable authority as to the quality of training offered by an educational institution." Institutions accredited by these agencies would then be eligible to enroll veterans under the GI Bill. In the years since, the federal criteria for accrediting agency recognition have increased, although always stopping short of programmatic control. Currently, DOE "recognizes" some 60 regional and programmatic accrediting bodies that in turn have accredited more than 6,900 institutions and programs whose students are therefore eligible to receive Title IV funding (<http://www.ope.ed.gov/accreditation>).

A growing tension between what the DOE saw as accrediting bodies serving their members' rather than the public's interest generated efforts in HEA'92 and HEA'98 either to eliminate the accreditation requirement or to use rule-making to set performance standards as a condition of recognition (Finkin, 1994; Finkin, 2009; Ewell, 2008; Pelesh, 1995). Although these efforts failed in the face of united opposition from the higher education community and its congressional allies, accountability proponents renewed the battle with HEA'08. In spring 2002, DOE's Inspector General indicated what was to come with a short-notice audit of the standards of the Higher Learning Commission (HLC), the largest of the regional accrediting agencies, looking for "hard, specific numbers" (e.g. student learning thresholds or program length) (Inspector General, 2002). Its report to Congress that HLC was "not auditable" in the absence of numerical standards set the stage for McKeon and other reformers who made accreditation a key accountability issue at the beginning of HEA'08. Their allegation was that accrediting agencies imposed standards that were either vague or "have nothing or little to do with academic quality" (e.g. diversity) while ignoring poor performance such as graduation rates in the face of rising costs. McKeon's solution was to give states the authority to accredit institutions using federally required performance standards, eliminating the current peer reviewed self-regulation system altogether. DOE Secretary Spellings used her own NCLB experience and the findings of the National Commission on the Future of Higher Education to

propose tougher accreditation rules in 2007, this time to include standardized testing and minimum standards for student learning as a measure of institutional quality

Many Republicans as well as Democrats and a united higher education community considered quality synonymous with institutional autonomy. This formidable coalition argued that achievement standards could not reflect the admirable diversity in American higher education, and vigorously resisted greater government interference via accreditation regulation. They raised the specter of political control of the curriculum and the end of the international supremacy of American higher education (see for example (CHEA, 2005). The debate was waged in congressional hearings, conferences, research reports and position papers for the entire 2002-08 reauthorization period, including an aborted 2007 effort to involve stakeholders in negotiating new DOE rules (Lederman, 2007). Senator Lamar Alexander (R-TN), a former university president and DOE secretary himself, chastised Spellings and applauded HELP's 2007 letter asking her not to pursue accreditation regulation, arguing that Congress should work with higher education to develop better assessment methods. The Democratic House Appropriations Committee also included a prohibition against DOE accreditation regulation in its 2007 DOE budget bill. While some higher education advocates quietly acknowledged that probably the Secretary did have the legal authority to set achievement standards via accreditation regulations, clearly the concept was not an idea whose political time had come.

The final legislative result was an uneasy compromise. HEOA provisions required that accrediting agencies include measures of student achievement in the assessment of institutional quality while recognizing that measures and standards will differ with institutional mission. At the same time it denied the Secretary the authority to set such standards and changed the membership of the federal agency that approves accreditors from DOE to Congressional appointment. The process of setting recognition criteria was delegated to the negotiated rule-making process under DOE's supervision. As Wolanin predicted, the changes were incremental but not insignificant and clearly moved the federal-higher education balance toward the possibility of greater regulation.

Actors

Issue Networks, Policy Subsystems, and Advocacy Coalitions

How environment and issues are translated into policy outcomes depend heavily on the preferences of actors whose political resources at the time of formal decision – authority, constituency, ideas, and strategy – enable them to influence the final outcome. Given the sheer complexity of the both the issues at hand and the structural fragmentation of the decision process, each policy arena is dominated by a broadly defined *issue network* (Heclo, 1978) or *policy subsystem* consisting of “actors from a variety of public and private organizations who are actively concerned with a policy problem or issue...and who regularly

seek to influence public policy in that domain” (Sabatier & Jenkins-Smith, 1999). Within a given policy arena, actors can be aggregated into a number of “advocacy coalitions” defined by a set of shared beliefs about policy solutions that engage in “a nontrivial degree of coordinated activity” to advance their shared goals. *Mature* advocacy coalitions maintain consensus on core beliefs and policy positions although less so on secondary aspects of implementation over long periods of time (pp. 119-124). Coalitions vary in their degree of influence over policy outcomes depending upon the context and the political resources of its members at any given time.

Members of HEA-related policy subsystems include members of the education committees of Congress and their staffs, the president and the DOE, and an extensive network of higher education related associations, organizations, foundations, and individuals. This latter group can be further divided into the higher education associations representing higher education institutions and those representing specific higher education constituents or issues (known collectively as “The Community”)⁶, those speaking for financial vendors and other provider groups, a growing number of private foundations commissioned to research higher education topics (many from a particular point of view), and an also growing number of reporters, academics, and higher education policy analysts. Studies of the political resources of these higher education policy actors over time have found that executive influence depends upon the priorities of the president, that the power of the long-time HEA congressional core has declined due to retirements and partisan positioning, and that the special interest community has fragmented and varied in influence as HEA expanded in scope and impact (Cook, 1998; Parsons, 1997; Hannah, 1996).

During HEA’08, the role of the executive was on the rise. From the beginning, President Bush set the agenda and never wavered from the cost and accountability position he advanced in the 2002 DOE strategic plan and reiterated in every subsequent budget message or policy statement. Given his firm control over Republican Congressional leadership (especially in the House) and the Cabinet, any proposed legislation or regulations stayed on message. The pressure only intensified when Margaret Spellings became DOE Secretary in January of 2005 and took a pro-active reform stance, creating the National Commission on the Future of Higher Education and convening a number of stakeholder conversations on issues of performance, transparency, and accountability.

Party leaders, the chairs of the key House and Senate education and budget committees and their staffs were the critical Congressional actors in HEA’08. Republican EWC chairs Boehner and then McKeon toed the party line and offered the most dramatic of the reform proposals. When it was his turn, Democrat ELC chair Miller was less partisan and more collaborative, allowing wide input and keeping closer to the old HEA social equity values and bipartisan style.

⁶ See the Washington Higher Education Secretariat member list (WHES, 2009).

Senate HELP chairs Republican Enzi and Democrat Kennedy, who changed seats twice during reauthorization, also embodied HEA traditions and worked closely and of the same mind throughout HEA'08. Although a few old HEA hands were still in critical staff roles particularly on the Senate side, many congressional staff members were new, inexperienced with legislation as complex as HEA, and had little commitment to the past (Field, 2008). Higher education lobbyists lamented that “we had to teach them everything” and were especially concerned that the young staffers did not appreciate the diversity of American higher education.

The expanding higher education network of groups seeking to influence the process also experienced change in membership and relative influence during HEA'08. Technology empowered everyone, allowing DC-based staffs to do a more effective job of representing, informing, and rallying their constituencies, particularly, as EWC chair McKeon complained, in opposition to any change in the status quo. The “unifying voice” of the “Brethren” – institution-member associations representing the five historically important higher education sectors and traditionally convened by the American Council on Education (ACE)⁷ – continued to fragment over specific issues, resulting in uneven access and impact on the process (Parsons, 1997). AASCU, for example, did not sign off on the HEA recommendations ACE sent to EWC in March 2003 on behalf of some 40 higher education associations. Instead it joined with two student-focused organizations to support specific financial aid positions and consulted separately with Congressional leaders and staff in the negotiations on cost issues, getting credit in 2004 for convincing McKeon to drop the sanctions from his Cost Index plan. In another example, NAICU vigorously opposed AASCU’s “unit record” idea and is generally credited with scuttling it altogether. When the Community did speak with one voice as on the issue of accreditation, however, it was able to gain at least compromise on the reform proposals its members found most objectionable.

The Career College Association (CCA), representing some 950 for-profit and career-related postsecondary institutions, continued to go its own way and opted out of ACE in fall 2002 as HEA'08 began, complaining of “being treated like second-class citizens” (Borrego, 2002). In Congress, Republicans liked CCA members because of the business model, and Democrats could not help but note CCA’s access goals. During HEA'08, the CCA’s fortunes declined with Congressional worries over default rates and lender kick-backs and nearly unanimous opposition from the traditional higher education community on the transfer issue, but rebounded on the fact of rapid enrollment growth in for-profit institutions and the development of student learning assessment methods that fit well with the prevailing accountability agenda. While the transfer issue was in the end left unresolved, CCA easily won

⁷ National Association of State Colleges and Land Grant Universities (NASCLGU), American Association of Universities (AAU), American Association of State Colleges and Universities (AASCU), National Association of Independent Colleges and Universities (NAICU), and the American Association of Community Colleges (AACC)

its demand for relaxation of the 50% on-campus courses rule for aid eligibility early in the process and was an effective advocate for its members' interests throughout.

There were also rising and falling voices beyond the institutional association circle. Student-based aid organizations partnered with Community members to become more visible. Traditionally influential financial aid and banking associations such as the National Association of Financial Aid Administrators (NASFAA), the National Council of Higher Education Loan Providers (NCHELP) and the Consumer Bankers Association (CBA) lost influence after the Cuomo investigations. The voice of a growing array of "think tanks" and special interest foundations, however, were rising due to the well-publicized release of HEA-related research reports and testimony – several with a clear ideological bent -- which got attention and affected priorities and proposals on specific issues. Reports from the Institute for College Access and Success (whose president was to become Undersecretary of DOE for financial aid in the Obama Administration) on aid issues, the Education Trust on graduation rates, the College Board on aid and cost trends and options, the National Center for Public Policy and Higher Education on affordability, and the Institute for Higher Education on HEA, for example, were widely quoted on all sides.

Beliefs

Each HEA issue generated its own policy subsystem of actors from congress, the executive, and the interest sector. The subsystem created around issues related to minority-serving institutions, for example, had a different cast than the subsystem concerned with international education or that surrounding the loan limit issue. Advocacy coalitions within each subsystem sought to advance their positions, holding firm on their core commitments and dividing on more secondary issues. AASCU's and NAICU's defection on the issue of transfers or student loan limits or student records but solid support on accreditation are illustrative.

The dominating issue of accountability in HEA'08, however, created an overarching HEA-policy subsystem composed of advocacy coalitions defined by their beliefs about the appropriate relationship between higher education and the federal government. At their core, coalitions either took the social equity position that government should play a role as HEA'65 intended in helping needy and middle-class students go to college, or an individual freedom position that leaves higher education to the market. The former, composed of long-time HEA supporting Congressmen and staffers on both sides of the aisle, Democratic leadership, and most of the traditional higher education institutional and program network, focused on access and aid to students and the principle of institutional autonomy. The latter, represented by younger and mostly Republican Congressmen and staffers with less allegiance to the higher education establishment, budget-conscious Republican reformers and newer postsecondary institutions, argued that if institutions accept federal aid even indirectly through students, they should be

held accountable through regulation. The considerable vendor community was caught somewhat in the middle, profiting from federal aid programs, but also aligning with reformers on the side of the market.

By the end of HEA'08 the cost issue had revealed fault lines cutting across both belief systems, forcing the social equity coalition to acknowledge claims for fiscal responsibility and the market coalition to recognize that the diversity of American higher education prevented a simplistic standards approach. The traditionalists had experience, organization, public recognition of the importance of higher education, and eventually Congressional control and its Democratic leadership on their side. The reformers had the presidency and his administration, Congressional control for three of the four Congresses involved, rising public questions about college costs and operations, and a willingness to challenge the status quo on theirs. The lack of a core Republican focus on higher education -- no Republican "ran on higher education" as one participant put it -- meant, however, that reformers responded to opposition with delay rather than force conflicts that might jeopardize higher party priorities. Eventually delay and public pressure forced the traditional higher education advocacy coalition in and out of Congress to accommodate to public demands for greater transparency and accept provisions for increased reporting of costs and operations in exchange for more student aid support. As one observed noted, with the calls for accountability growing louder, the higher education community settled.

Institutional Dynamics

Policy process theorists have produced extensive research to demonstrate that "regime rules" -- that constellation of formal and informal policies and practices that structure the political decision making process -- matter (Jones, 1994) (Lindblom & Woodhouse, 1993) (Ripley & Franklin, 1991) (Dye, 1966) (Ostrom, 1999) (Schlager, 1999). Eleanor Ostrom's "Institutional Analysis and Development" theory is perhaps the most fully developed explanation of why, holding that the behavior of "rational" individuals (admittedly "bounded" by their own limitations) must take institutional decision-rules into account as they pursue their own self-interest (Ostrom, 1999). Such rules are in turn affected by history, the environment, the nature of the policies at issue, and the skills and commitments of the actors involved. In the case of HEA '08, the rules clearly mattered, first in structuring the larger policy process and second, in the heightened partisanship of the Congressional law-making process.

The Policy Process

The fragmented institutional structure and pluralistic civic culture of the American policy-making process results in a highly disjointed and incremental dynamic. In Congress, for example, majorities must be made and remade as a bill proceeds through subject, finance, process, and conference committees and subcommittees, manipulated to endorse non-

standard maneuvers, and increased again if the president disagrees. Meanwhile, participants petition administrative agencies and lobby individual Congressmen and each other. Stakeholders intent on gaining the adoption of policies that give them a particular advantage must in the end partner or trade or compromise or submit to party discipline in concert with enough other players to gain sufficient support to advance a particular position through these multiple decision points. As “punctuated-equilibrium” theory (Baumgartner & Jones, 1993) predicts and previous HEA studies demonstrate, absent a wide political or policy consensus on the need for change, such a labored and incremental decision processes rarely produce a large enough and committed enough coalition to gain adoption of policies that deviate significantly from the status quo (Hannah, 1996).

Congressional Law-Making Process: The “Broken Branch”?

A recent critique comparing the Democratic-controlled 110th Congress to the Republican-controlled 104th -- coincidentally covering the same time period as HEA’08 -- labeled Congress “the broken branch” for its inability to create majority coalitions sufficient, in the analysts eyes, to meet its Constitutional responsibilities to “engage in responsible and deliberative lawmaking, police the ethical behavior of its members, and check and balance the other branches” of government (Mann & Ornstein, 2006). Analysts pointed to an increase in routine and symbolic vs. substantive measures passed, a decline in oversight hearings, fewer mark-up sessions, an increase in the percentage of restrictive rules for debate in the House, more minority motions to recommit, more cloture motions in the Senate, and higher party unity scores (especially among the majority party) as indication of a more partisan, less open, and less productive Congressional lawmaking pattern than even a decade ago (Binder, Mann, Ornstein, & Reynolds, 2009). These “patterns of dysfunctional behavior” are explained, at least partly, as “natural and understandable responses to powerful forces in the political and social environment” and resulted in a “strikingly” partisan era in American government dominated by two strong and ideologically polarized parties operating on narrow margins among elected officials and the electorate. The resulting struggle for control of the government has, in the words of a recent Brookings report, led to “an unabashed manipulation of electoral and governing institutions to achieve political and policy goals” (Binder, Mann, Ornstein, & Reynolds, 2009, p. 3).

The Case of HEA’08

All of the participants I interviewed believed that the “poisonous” partisan environment in Congress resulted in a very different law-making process for HEA’08 than for previous reauthorizations. They pointed to the long delays and multiple extensions, “hi-jacking” by budget reconciliation, confrontational hearings, bitter press exchanges, limited staff interaction, closed mark-up sessions, narrow vote majorities, limited debate rules in the House, significant manager and “log-rolling” amendments, and even a minority motion (rejected on a

party-line vote) to recommit in the closing Senate floor debate as examples of the prevailing “unabashed” rule manipulation by both parties for partisan ends.

Analyzing House and Senate floor votes over time, however, suggests a less dramatic and more nuanced impact of partisanship on HEA. Charts 1a and 1b present House and Senate HEA reauthorization votes from 1965-2008; Charts 2a and 2b present House and Senate votes on HEA financial provisions as part of budget reconciliation. Several trends are immediately apparent. Although six of the nine reauthorizations occurred in times of divided government when the White and at least one House were controlled by different political parties, the tradition of strong bipartisan support for HEA goals has routinely resulted in remarkably consistent supermajorities on comprehensive HEA reauthorizations. The only notable partisan divisions – HEA’76 in the Senate and HEA’86 in the House – were instances when a particular issue was unusually contentious. In HEA’72, issues included institutional v. student aid and busing (CQ Almanac, 1973; Gladieux & Wolanin, 1976). In HEA’80 it was cost (CQ Almanac, 1980).

On the other hand, votes on means, as in budget reconciliation, rather than ends, as in the more comprehensive or programmatic reauthorizations, have not surprisingly often been highly contentious and highly partisan, especially in 1993 and 2005 during times of unified government when the party in power forced its provisions through. In 1993, for example, not one Republican in the House or in the Senate voted for either the Committee or Conference report when President Clinton expanded direct lending. The party roles were reversed in the 2005 reconciliation votes when Republicans insisted on higher interest rates and lender subsidies to encourage conventional market-based approaches. With divided control in 2007 (Republican the White House; Democrats with narrow Congressional majorities), partisan divisions were somewhat less intense, especially in the traditionally more HEA-supportive Senate. The tie between program fortunes and partisan composition of Congress is again predictable, as confirmed by recent research relating congressional composition to program durability and size (Berry, Burden, & Howell, 2010). HEA’08 is clearly a case in point.

The consequences of divided v. unified government, the traditional bipartisan support for HEA goals, familiar partisan conflicts on public v. private means, and new partisan conflicts on accountability v. autonomy all converged in HEA’08. A unified Republican 109th Congress forced HEA financial provisions into reconciliation, earning party-line votes on PL 109-171 and inviting a similar strategy when the Democrats gained the majority in the 110th and used it to redress the policy balance.

Modeling the HEA’08 Policy Process

Kingdon’s “multiple streams” refinement of Cohen, March, and Olsen’s “garbage can” model of the policy process predicts that on the either random or prodded occasion that problems

generated by the environment, solutions generated by existing and proposed policies, and political support generated by public opinion, organized interests, and formal office holders converge (or are “coupled”), a “policy window” opens through which policy entrepreneurs can push their particular agenda through to decision (Kingdon, 1995; Cohen, March, & Olsen, 1972). I believe that the six-year process culminating in HEA’08 created just such an opportunity for astute policy reform entrepreneurs to advance their accountability agenda. That the very policy entrepreneurs pushing for greater regulation should be the same as those who usually prefer market-based responses is an irony that did not escape notice even then.

My model of the HEA’08 reauthorization process, therefore, posits a convergence between the problem stream of rising cost and questions about higher education, a policy stream of standards-based regulation and accountability, and a politics stream of Republican control of Congress and fragmentation in the traditional higher education advocacy coalition. Republican policy entrepreneurs intent on capitalizing on their majority position, the relative weakness of a higher education advocacy coalition in transition and higher education’s “legitimacy paradox” in the eyes of the public, took advantage of this policy window and proposed ambitious regulatory reforms that, while stymied when their political support dwindled after the Democratic victories in 2006, captured enough momentum to move the balance point in federal-higher education relations toward greater regulation and intervention.

Insert Figure 1 here

Finding the Balance

The convergence and interplay of environment, issues, actors, and decision-making processes created a predictable dynamic for HEA’08. HEA came up for reauthorization during a time of increased public expectations, limited resources, and a “strikingly” partisan atmosphere created by narrow elections and partisan manipulation of decision processes. The accountability agenda set by a Republican controlled Congress early in the reauthorization process was opposed by a fragmented higher education community and ameliorated when Democrats – as the traditional HEA support base - assumed control after the 2006 elections. Public concern and partisan pressure, however, forced both to compromise. The policy result was a complex of increases in federal support in exchange for greater reporting requirements. This new balance point between public demand and political response reset the trajectory in federal-higher education relations, tilting toward greater reporting and the possibility of greater oversight.

How far toward a “national system of higher education” the new trajectory points, however, remains uncertain. Robert Lowry’s recent comparative analysis of NCLB and HEA concludes that the differences in public attitudes toward K-12 v. higher education quality; state monopoly vs. institutionally competitive market structures; relatively hierarchical federal-state-local K-12

relationships v. complex federal-student-state-private institutional higher educational relationships; and the greater effectiveness of higher education's v. K-12 organized interests in Washington make it "unlikely that there will be broad federal mandates in the foreseeable future" (Lowry, 2009, p. 522). As long-time HEA participant and observer Tom Wolanin noted, however, small changes can have significant impact (Wolanin, 2003). Whether the voluntary efforts of the higher education community to provide greater transparency on learning and operations will in the end prove sufficient remain to be seen. The new Democratic administration, elected only months after HEA'08 was finalized, seems set on continuing elements of the Republican accountability agenda while also supporting traditional Democratic initiatives such as direct-lending. The balance point will undoubtedly shift again as higher education accommodates to its new position on the political agenda.

Data Sources

Roll Call Votes: “U.S. House of Representatives Roll Call Votes” (http://clerk.house.gov/art_history/house_history/index.html); “U.S. Senate Roll Call Tables” (http://www.senate.gov/pagelayout/legislative/a_three_sections_with_teasers/votes.htm); and CQ Almanac Vote Tables (<http://library.cqpress.com.ezproxy.lib.ipfw.edu/cqalmanac/>).

Legislative Histories: Lexis-Nexis Congressional (http://web.lexis-nexis.com.ezproxy.lib.ipfw.edu/congcomp/form/cong/s_pubadvanced.html); THOMAS (<http://thomas.loc.gov/>); and CQ Almanac (<http://library.cqpress.com.ezproxy.lib.ipfw.edu/cqalmanac/>).

Oversight Hearings: In *Legislative Histories* and *GPO Access* (<http://www.gpoaccess.gov/chearings/>).

Bibliography

40 HE Associations. (2003, Jan 30). *Recommendations for Reauthorization of the Higher Education Act*. Retrieved Oct 27, 2008, from American Council on Education: <http://www.acenet.edu/washington/HEAReauthorization.2003.pdf>

AASCU. (2003, Jan 11). *HEA Recommendations to the House Education Committee*. Retrieved Oct 27, 2008, from Bulletins-Archive: www.aascu.org/lists/lyris.pl?visit=bulletins-archive&id=3836

ACE. (2008). *ACE Analysis of Higher Education Act Reauthorization*. Washington: American Council on Education.

ACE. (2002). *Facts in Brief, 1/18/02*. Retrieved Nov 26, 2002, from American Council on Education: <http://acnet.edu>

Adelman, C. (2006). *The Toolbox Revisited: Paths to Degree Completion from High School Through College*. Office of Vocational and Continuing Education. Washington, DC: U.S. Department of Education.

Baumgartner, F. R., & Jones, B. D. (1993). *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.

Berry, C. R., Burden, B. C., & Howell, W. G. (2010). After Enactment: The Lives and Deaths of Federal Programs. *American Journal of Political Science*, 54 (1), 1-17.

Berry, J. (1989). *The Interest Group Society* (2nd ed.). New York: Harper Collins.

Binder, S. A., Mann, T. E., Ornstein, N. J., & Reynolds, M. (2009). *Mending the Broken Branch: Assessing the 110th Congress, Anticipating the 111th*. Governance Studies at Brookings. Washington: The Brookings Institution.

Boehner, J., & McKeon, H. P. (2003). *The College Cost Crises: A Congressional Analysis of College Costs and Implications for America's Higher Education System*. U.S. House of Representatives, House Committee on Education and the Workforce. Washington, DC: U.S. Government.

Borrego, A. M. (2002, Oct 18). For-Profit Colleges Pull Out of Higher Education Group. *The Chronicle of Higher Education* , p. A28.

Burd, S. (1998, Oct 16). *A Republican Aide Played a Key Role in Crafting a Bill with Bipartisan Support*. Retrieved Oct 1, 2008, from The Chronicle of Higher Education: <http://chronicle.com/weekly/v45/i08/08a04401.htm>

Burd, S. (2003, July 11). Bush's Next Target? *The Chronicle of Higher Education* , pp. A18-A20.

CHEA. (2005, Oct 3). "The Best in the World". *Inside Accreditation* , 1 (2,3).

Clerk of the House. (2008). Retrieved from U.S. House of Representatives Roll Call Votes, 110th Congress - 2nd Session (2008): <http://clerk.house.gov/evs/2008/index.asp>

Cohen, M., March, J., & Olsen, J. (1972). A garbage can model of organizational choice. *Administrative Science Quarterly* , 17 (1), 1-25.

College Board. (2008). Trends in Student Aid.

Cook, C. E. (1998). *Lobbying for Higher Education: How Colleges and Universities Influence Federal Policy*. Nashville, TN: Vanderbilt University Press.

CQ Almanac. (1973). *1972 Education Act: \$21 Billion in Aid, Busing Curbs*. Retrieved October 22, 2009, from <http://library.cqpress.com.ezproxy.lib.ipfw.edu/cqalmanac/cqal72-1250740>

CQ Almanac 1980. (1981). Retrieved September 10, 2009, from CQ Almanac: <http://library.cqpress.com.ezproxy.lib.ipfw.edu/cqalmanac/cqal80-1176643>

CQ Almanac. (1980). *Changes Made in Higher Education Programs*. Retrieved September 10, 2009, from CQ Almanac Online Edition: <http://library.cqpress.com.ezproxy.lib.ipfw.edu/cqalmanac/cqal80-1176643>

CQ Almanac. (1965). *CQ Almanac*. Retrieved November 19, 2009, from CQ Almanac Online Edition: <http://library.cqpress.com.ezproxy.lib.ipfw.edu/cqalmanac/cqal65-1259145>

CQ Press. (2002). *Higher Education Act Reauthorization, Fiscal Years 1999-2003*. Retrieved Nov 11, 2008, from Congress and the Nation, 1997-2001: <http://library.cqpress.com>

Curtis, J. W. (2006, June 9). *American's Views of Political Bias in the Academy and Academic Freedom*. Retrieved Apr 15, 2009, from American Association of University Professors: <http://aaup.org>

Doyle, W. R. (2007). Public Opinion, Partisan Identification, and Higher Education Policy. *The Journal of Higher Education* , 78 (4), 370-401.

Dye, T. R. (1966). *Politics, Economics, and the Public: Policy Outcomes in the American States*. Chicago: Rand McNally.

Easton, D. (1964). *A Systems Analysis of Political Life*. New York: Wiley.

Easton, D. (1957). An Approach to the Analysis of Political Systems. *World Politics* , IX, 383-400.

Eaton, J. S. (2009, Jan 20). There's a Lot Right About Regional Accreditation. *Inside Accreditation* , 5 (1).

Ewell, P. T. (2008). *U.S. Accreditation and the Future of Quality Assurance*. Washington, DC: Council for Higher Education Accreditation.

Field, K. (2009, April 24). Even Under Obama's Plan, Pell Grants Trail Tuition. *The Chronicle of Higher Education* , p. A1.

Field, K. (2008, May 23). On the Hill, New Hands Refashion Key Law. *The Chronicle of Higher Education* , pp. A1, A16-18.

Finkin, M. W. (1994). The Unfolding Tendency in the Federal Relationship to Private Accreditation in Higher Education. *Law and Contemporary Problems* , 57, 89.

Finkin, M. W. (2009). Who Watches the Watchman? Thoughts on the Federal Relationship to Accreditation in Higher Education. Washington: Council for Higher Education Accreditation.

Friedman, T. L. (2005). *The World is Flat: A Brief History of the Twenty-First Century*. New York: Farrar, Straus, and Giroux.

Gladieux, L. E., & Wolanin, T. R. (1976). *Congress and the Colleges: The National Politics of Higher Education*. Lexington, MA: D.C. Heath.

Graham, H. D. (1998). The Storm over Grove City College: Civil Rights Regulation, Higher Education, and the Regan Administration. *History of Education Quarterly* , 38 (4), 407-429.

- Hannah, S. B. (1996). The Higher Education Act of 1992: Skills, Constraints, and the Politics of Higher Education. *Journal of Higher Education* , 67 (5), 498-527.
- Harclerod, F. F. (1980). *Accreditation: History, Process, and Problems*. American Association of Higher Education. Washington: AAHE/ERIC.
- Hayes, M. T. (2007). Policy Characteristics, Patterns of Politics, and the Minimum Wage: Toward a Typology of Redistributive Policies. *Policy Studies Journal* , 35 (3), 465-80.
- Heclo, H. (1978). Issue Networks in the Executive Establishment. In A. King (Ed.), *The New American Political System*. Washington, DC: American Enterprise Institute.
- Immerwahr, J. (2004, February). *Public Attitudes on Higher Education, A Trend Analysis, 1992-2003*. Retrieved April 10, 2009, from National Center for Public Policy and Higher Education Web Site: www.highereducation.org
- Immerwahr, J., & Johnson, J. (2009). *Squeeze Play 2009 The Public's Views on College Costs Today*. Retrieved April 15, 2009, from National Center for Public Policy and Higher Education: http://www.highereducation.org/reports/squeeze_play_09/index.shtml
- Inspector General. (2002). Retrieved May 19, 2009, from U.S. Department of Education: www.ed.gov/offices/OIG/AuditReports/a09c0016.pdf
- Johnstone, D. B. (1998). Patterns of Finance: Revolution, Evolution, or More of the Same? *The Review of Higher Education* , 21 (3), 245-255.
- Jones, B. (1994). *Reconveiving Decision-Making in Democratic Politics: Attention, Choice, and Public Policy*. Chicago: University of Chicago Press.
- Kingdon, J. W. (1995). *Agendas, Alternatives, and Public Policy* (2nd ed.). New York: Harper Collins.
- Kirchhoff, S. (1998, Sept 26). *Education: Rewrite of Higher Education Act has a Bipartisan Glow*. Retrieved Jan 19, 2009, from CQ Weekly: <http://library.cqpress.com>
- Lederman, D. (2007, June 4). *Lack of Consensus on Lack of Consensus*. Retrieved Nov 11, 2008, from Inside Higher Education: <http://insidehighered.com/layout/set/print/news/2007/06/04/accredit>
- Lindblom, C., & Woodhouse, E. J. (1993). *The Policy-Making Process, 3rd ed*. Englewood Cliffs, NJ: Prentice Hall.

Lingenfelter, P. E., & Lenth, C. S. (2005). What Should Reauthorization Be About? *Change* , 37 (3), 12-20.

Lowi, T. J. (1972). Four Systems of Policy, Politics, and Choice. *Public Administration Review* , 32 (4), 298-310.

Lowi, T. J. (1964). Review: American Business, Public Policy, Case-Studies, and Political Theory. *World Politics* , 16 (4), 677-715.

Lowry, R. C. (2009). Reauthorization of the Federal Higher Education Act and Accountability for Student Learning: The Dog that Didn't Bark. *Publius: The Journal of Federalism* , 39 (3), 506-526.

Mann, T. E., & Ornstein, N. J. (2006). *The Broken Branch: How Congress is Failing America and How to Get it Back on Track*.

NAICU. (2008). *HEA 101*. Retrieved Sept 2008, from National Association of Independent Colleges and Universities: <http://www.naicu.edu>

National Center. (2002). *Losing Ground: A National Status Report on the Affordability of American Higher Education*. Retrieved from National Center for Public Policy and Higher Education: www.highereducation.org

NCES. (2001). *Study of College Colleges and Prices, 1988-89 to 1997-98, Vol. 1*. National Center for Education Statistics. Washington, DC: U.S. Department of Education.

NCES. (2008). *The Condition of Education, 2008*. Washington, DC: U.S. Department of Education.

NEA. (2008, September 17). *College Affordability Poll*. Retrieved Apr 15, 2009, from National Education Association: www.gotttuition.org

Office of Postsecondary Education. (2002, Dec 10). *Notice of Request to Obtain Public Comments Related to the Reauthorization of the Higher Education Act*. Retrieved May 6, 2009, from Federal Register: <http://www.ed.gov/legislation/FedRegister/proprule/2002-4/122002d.html>

Ostrom, E. (1999). Institutional Rational Choice. In P. A. Sabatier (Ed.), *Theories of the Policy Process* (p. 40). Boulder: Westview Press.

Parsons, M. D. (1997). *Power and Politics: Federal Higher Education Policy Making in the 1990's*. Albany, NY: State University of New York Press.

Pelesh, M. L. (1995). Regulations under the Higher Education Amendments of 1992: A Case Study in Negotiated Rule-Making. *Law and Contemporary Problems* , 57 (4), 151-170.

Price, T. (2003, Dec 5). *Rising College Costs: Should Congress Penalize Schools that Raise Fees?* Retrieved Oct 28, 2008, from CQ Researcher Online: <http://library.cqpress.com>

Prisco, A., Hurley, A. D., Carton, T. C., & Richardson, R. C. (2002). *Federal Policies and Higher Education in the United States*. New York City: Alliance for International Higher Education Policy Studies.

(2008). *Public Law 110-315: "Higher Education Opportunity Act"*.

Ripley, R. B., & Franklin, G. (1991). *Congress, the Bureaucracy, and Public Policy*. Homewood, IL: Dorsey.

Sabatier, P. A. (Ed.). (1999). *Theories of the Policy Process*. Boulder, CO: Westview Press.

Sabatier, P. A., & Jenkins-Smith, H. C. (1999). The Advocacy Coalition Framework: An Assessment. In P. A. Sabatier, *Theories of the Policy Process* (pp. 117-166). Boulder: Westview Press.

Schlager, E. (1999). A Comparison of Frameworks, Theories, and Models of Policy Processes. In P. A. Sabatier (Ed.), *Theories of the Policy Process* (pp. 233-260). Boulder, CO: Westview Press.

Schlager, E. (1999). Frameworks, Theories, and Models. In P. A. Sabatier (Ed.), *Theories of the Policy Process* (pp. 233-260). Boulder: Westview Press.

Scott, J. C. (2006). The Mission of the University: Medieval to Postmodern Transformations. *Journal of Higher Education*, 77 (1), 1-39.

Scott, J. C. (2006). The Mission of the University: Medieval to Postmodern Transformations. *The Journal of Higher Education*, 77 (1), 1-39.

Selingo, J. (2004, May 7). *U.S. Public's Confidence in Colleges Remains High*. Retrieved January 14, 2009, from The Chronicle of Higher Education Web Site: <http://chronicle.com/cgi2-bin/printable.cgi?article=http://chronicle.com>

Spencer, C. A. (1999). The New Politics of Higher Education. In J. E. King (Ed.), *Financing a College Education: How It Works, How It's Changing* (pp. 101-119). Washington, DC: American Council on Education.

Stedman, J. B. (2004). *The Higher Education Act: Reauthorization Status and Issues*. Domestic Social Policy Division. Washington, DC: Congressional Research Service.

The Chronicle. (2008). *The Chronicle Almanac, 2008-09*. Retrieved Feb 11, 2009, from The Chronicle of Higher Education: <http://chronicle.com>

The College Board. (2008). *Trends in College Pricing, 2008*. Retrieved Apr 1, 2009, from The College Board: <http://www.collegeboard.com>

The College Board. (2008). *Trends in College Pricing, 2008*. Retrieved from The College Board: www.collegeboard.com

Theodoulou, S. Z., & Cahn, M. A. (Eds.). (1995). *Public Policy: The Essential Readings*. Englewood Cliffs, NJ: Prentice Hall.

Weimer, D. L. (2008). Theories of and in the Policy Process. *The Policy Studies Journal* , 36 (4), 489-495.

Weiss, C. (1977). Research for Policy's Sake: The Enlightenment Function of Social Research. *Policy Analysis* , 3, 531-545.

WHES. (2009). *WHES Member List*. Retrieved May 13, 2009, from Washington Higher Education Secretariat: <http://www.whes.org/members.html>

Wolanin, T. R. (2003). *Reauthorizing the Higher Education Act: Issues and Options*. (T. R. Wolanin, Ed.) Washington, DC: The Institute for Higher Education Policy.

Zahariadis, N. (1999). Ambiguity, Time, and Multiple Streams. In P. A. Sabatier (Ed.), *Theories of the Policy Process* (pp. 73-93). Boulder, CO: Westview.

Tables, Figures, and Appendices

Table 1. HEA Committee and Conference Report Votes in House and Senate, 1965-2008

Table 2. Final Floor and Conference Report House and Senate Votes on HEA Budget Reconciliation Provisions, 1993-2007

Figure 1. Modeling the HEA'08 Reauthorization Process

Appendix A. HEA Extensions, 107th – 110th Congress

Appendix B. HEA Reauthorization Hearings, 107th-110th Congress

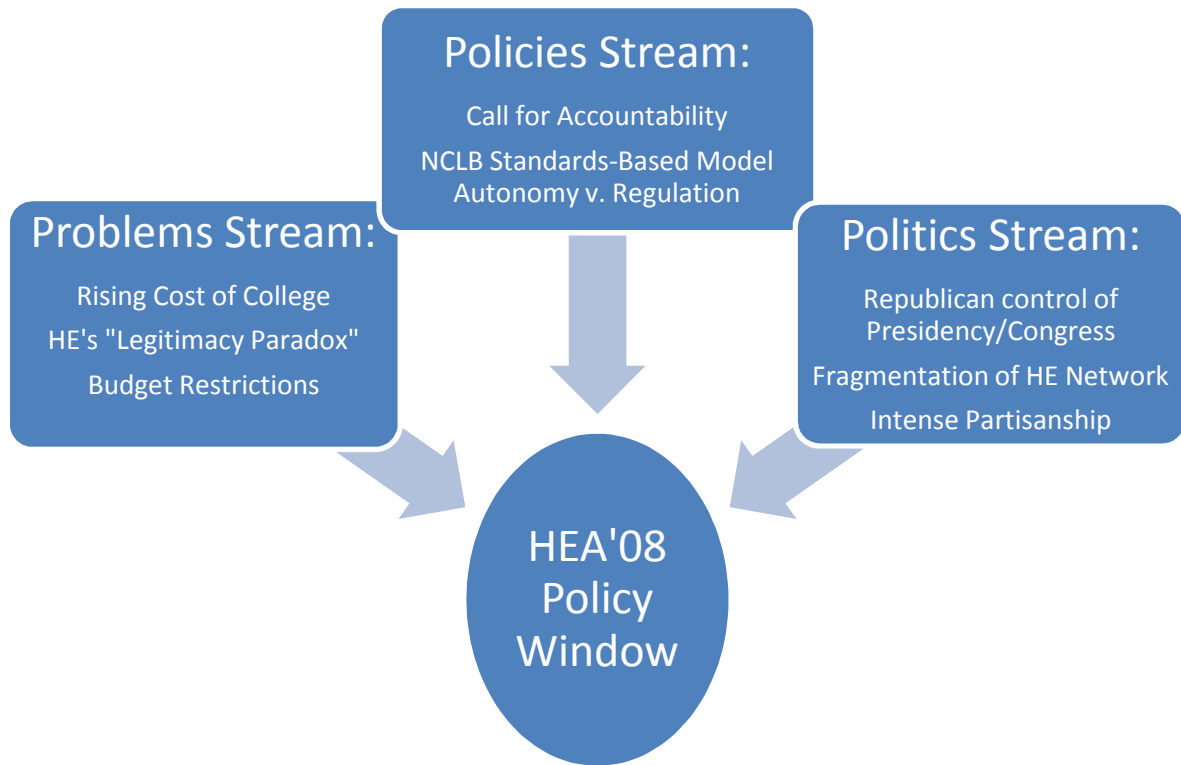
Table 1. HEA Committee and Conference Report Votes in the House and Senate, 1965-2008

Year	HEA'65	HEA'68	HEA'72	HEA'76	HEA'80	HEA'86	HEA'92	HEA'98	HEA'08
PL #	PL 89-329	PL 90-575	PL 92-318	PL 94-482	PL 96-374	PL 99-498	PL 102-325	PL 195-244	PL 110-315
President	Johnson (D)	Johnson (D)	Nixon (R)	Ford (R)	Carter (D)	Reagan (R)	Bush (R)	Clinton (D)	Bush (R)
House									
Majority	67.8% (D)	56.8% (D)	58.6% (D)	66.9% (D)	63.7% (D)	58.2% (D)	61.4% (D)	52.4% (R)	53.6% (D)
Com Rpt Vote For	94.4%	96.3%	89.7%	98.2%	96.3%	83.9%	99.2%	99.0%	85.9%
Rep	89.7%	98.3%	84.2%	95.4%	93.2%	63.3%	97.7%	98.2%	69.9%
Dem	96.6%	94.7%	93.5%	99.6%	98.0%	99.2%	100.0%	100.0%	100.0%
Conf Rpt Vote For	83.2%	Voice Vote	54.8%	Voice Vote	1 st : 95.9% 2 nd : Voice	93.9%	98.4%	Voice Vote	88.6%
Rep	64.7%		53.9%			85.9%	95.7%		74.9%
Dem	91.5%		55.4%			99.6%	100.0%		100.0%
Senate									
Majority	68.0% (D)	64.0% (D)	54.0% (D)	60.0% (D)	58.8% (D)	53.0% (R)	56.0% (D)	55.0% (R)	51.1% (D*)
Floor Vote For	96.3%	100.0%	93.6%	94.0%	95.8%	98.9%	98.9%	99.0%	100.0%
Rep	100%	100.0%	92.9%	83.9%	94.7%	98.1%	97.6%	98.1%	100.0%
Dem	94.7%	100.0%	94.2%	100.0%	96.6%	100.0%	100.0%	100.0%	100.0%
Conf Vote for	Voice Vote	Voice Vote	80.8%	96.3%	1 st : 48.9% 2 nd : 93.3%	Voice Vote	Voice Vote	100.0%	91.2%
Rep			85.7%		1 st : 6.8% 2 nd : 88.9%			100.0%	81.8%
Dem			76.7%	100.0%	1 st : 58.0% 2 nd : 96.2%			100.0%	100.0%

**Table 2. Final Floor and Conference Committee House and Senate Votes on
HEA Budget Reconciliation Provisions**

Year	1993	1997	2005	2007
Public Law	PL 103-66	PL 105-34	PL 109-171	PL 110-84
President	Clinton (D)	Clinton (D)	Bush (R)	Bush (R)
House				
Majority	59.3% (D)	52.4% (R)	53.3% (R)	53.6% (D)
Floor Vote For	50.7%	58.6%	50.2%	64.7%
Rep	0.0%	99.6%	93.9%	24.0%
Dem	85.2%	13.2%	0.0%	100.0%
Conf Vote For	50.2%	90.0%	50.2%	75.0%
Rep	0.0%	99.6%	94.3%	44.3%
Dem	84.2%	80.0%	0.0%	100.0%
Senate				
Majority	57% (D)	55% (R)	55% (R)	51% (D*)
Floor Vote For	50.5%	81.6%	52.5%	81.3%
Rep	0.0%	92.7%	90.9%	61.7%
Dem	89.1%	67.4%	4.3%	100.0%
Conf Vote For	50.5%	92.0%	50.5%	86.8%
Rep	0.0%	100.0%	90.9%	73.9%
Dem	89.3%	82.2%	0.0%	100.0%
Ind	100.0%		0.0%	
VP tie-breaker			100%	

Figure 1. Modeling the HEA'08 Reauthorization Process



Based on (Kingdon, 1995).

Appendix A. HEA'98 EXTENSIONS

Date Signed by President	Public Law	Extension of HEA'98 Until	Length of Extension
Oct 7, 1998	PL 105-344	Through FY 2004	Initial expiration date
Oct 25, 2004	PL 108-366	Through FY2005	1 Fiscal Year
Sept 30, 2005	PL 109-81	Through Dec 30, 2005	3 mo
Dec 30, 2005	PL 109-171	Through March 2006	3 mo
Apr 1, 2006	PL 109-212	Through June 30, 2006	3 mo
June 30, 2006	PL 109-238	Through Sept 30, 2006	3 mo
Sept 30, 2006	PL 109-292	Through June 30, 2007	9 mo
July 3, 2007	PL 110-44	Through July 31, 2007	1 mo
July 31, 2007	PL 110-51	Through Oct 31, 2007	2 mo
Oct 31, 2007	PL 110-109	Through Mar 31, 2008	5 mo
Mar 24, 2008	PL 110-198	Through Apr 30, 2008	1 mo
May 13, 2008	PL 110-230	Through May 31, 2008	1 mo
May 30, 2008	PL 110-238	Through June 30, 2008	1 mo
June 30, 2008	PL 110-256	Through July 31, 2008	1 mo
July 31, 2008	PL 110-300	Through August 15, 2008	2 wks
August 14, 2008	PL 110-315	Through Sept 30, 2014	Higher Education Opportunity Act of 2008

APPENDIX B: HEA REAUTHORIZATION HEARINGS CALENDAR

107TH CONGRESS (2001-2002)

President: R; House: R (221), D (214); Senate: D (51), R (49)

2nd Session (2002) -----

- Feb13 House EWC: Joint Hearing: Subcommittee on 21st Century Competitiveness and Subcommittee on Select Education: “Responding to the Needs of Historically Black Colleges and Universities in the 21st Century”
- May 9 Senate HELP Full Committee Hearing: “Consolidated Student Loan Interest Rates”
- July 16 House EWC: Full Hearing: “Access to Higher Education for Low-Income Students: A Review of the Advisory Committee on Student Financial Assistance Report”
- Sept 19 House EWC: Joint Hearing: Subcommittee on 21st Century Competitiveness and Subcommittee on Select Education: “Responding to the Needs of Historically Black Colleges and Universities in the 21st Century”
- Sept 20 House Committee on Education and the Workforce issues formal request asking institutions of higher education to submit detailed policy proposals for HEA reauthorization
- Sept 26 Senate HELP full Committee Hearing: “Exploring the Benefits and Challenges of Web-based Education”
- Oct 1 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “Assuring Quality and Accountability in Postsecondary Education: Assessing the Role of Accreditation”
- Oct 3 House EWC Full Committee Hearing: “The Rising Price of a Quality Postsecondary Education: Fact or Fiction?”
- Oct 9 House EWC: Subcommittee on 21st Century Competitiveness: “Training Tomorrow’s Teachers: Ensuring a Quality Postsecondary Education”
-

108th Congress (2003-04)

President: R; House: R (229), D (206); Senate: R (51), D (49)

1st Session (2003) -----

- May 13 House EWC: Full Committee hearing: “The State of American Higher Education: What are Parents, Students, and Taxpayers Getting for Their Money?”
- May 20 House EWC Full Committee Hearing: “American’s Teacher Colleges: Are They Making the Grade?”
- June 19 House EWC: Hearing before the Subcommittee on Select Education: “International Programs in Higher Education and Questions of Bias”
- July 10 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “Affordability in Higher Education: We Know there’s a Problem; What’s the Solution?”

- July 15 House EWC: Hearing before Subcommittee on 21st Century Competitiveness “Expanding Access to College in America: How the Higher Education Act can put College within Reach”
- July 22 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “Consolidation Loans: What’s Best for Past Borrowers, Future Students, & U.S. Taxpayers?”
- Sept 9 House EWC: Hearing before Subcommittee on Select Education: “Beyond Baccalaureate: Graduate Programs in the Higher Education Act”
- Sept 11 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “The Expanding Opportunities in Higher Education Act of 2003” (HR 3039)
- Sept 23 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “The College Cost Crises Report: Are Institutions Accountable Enough to Students and Parents?”
- Oct 6 House EWC: Hearing before Subcommittee on Select Education: “Expanding Opportunities in Higher Education: Honoring the Contributions of America’s Hispanic Serving Institutions”
- Oct 16 Senate HELP Full Committee Hearing: “Promoting Access to Postsecondary Education: Issues for Reauthorization of the Higher Education Act”
- Oct 29 Senate HELP Full Committee Hearing: “Is Intellectual Diversity an Endangered Species on America’s College Campuses?”

2nd Session (2004) -----

- Feb 26 Senate HELP Committee holds Full Committee hearing on “Higher Education Accreditation: How Can the System Better Ensure Quality and Accountability”
- Mar 4 Senate HELP Full Committee Hearing: “Higher Education and the Workforce: Issues for Reauthorization of the Higher Education Act”
- Mar 9 Senate HELP Subcommittee Hearing: “A Year ‘Round College Calendar: Advantages and Impediments”
- Mar 17 House EWC Full Committee Hearing: “Fiscal Responsibility and Federal Consolidation Loans: Examining Cost Implications for Taxpayers, Students, and Borrowers”
- May 12 House EWC Full Hearing: “HR 4283, College Access and Opportunity Act”
- June 16 House EWC Full Committee Hearing: “HR 4283, The College Access and Opportunity Act: Are Students at Proprietary Institutions Treated Equitably Under Current Law?”
- June 22 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “HR 4283: The College Access and Opportunity Act: Does Accreditation Provide Students and Parents Accountability and Quality?”
- July 13 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “HR 4283: The College Access and Opportunity Act: “Increasing the Focus on Graduation Rates and Student Outcomes”
- July 20 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “Are College Textbooks Priced Fairly?”

Sept 23 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “Are Current Safeguards Protecting Taxpayers against Diploma Mills?”

109th Congress (2005-06)

President: R; Senate: R – 55; D – 45; House: R – 232; D – 203

1st Session (2005) -----

- Jan 6 Senate HELP Full Committee hearing: “The Presidential Nomination of Margaret Spellings to be Secretary of Education”
- Mar 1 House EWC Full Committee Hearing: “Enforcement of Federal Anti-Fraud Laws in For Profit Education”
- Apr 19 House EWC Full Committee Hearing: “College Access: Is Government Part of the Solution, or Part of the Problem?”
- Apr 28 Senate HELP Full Committee Hearing: “Providing Quality Postsecondary Education: Access and Accountability”
- May 5 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “College Credit Mobility: Can Transfer of Credit Policies be Improved”
- May 19 Senate HELP Full Committee hearing – Roundtable: “Higher Education and Corporate Leaders: Working Together to Strengthen America’s Workforce”
- May 23 House EWC Hearing before Subcommittee on 21st Century Competitiveness: “Paying for College: Innovative Private-Sector Proposals to Complement Record Federal Investment in Student Aid”
- Nov 30 House EWC Subcommittee on Select Education: Field Hearings: “How the Lack of Higher Education Faculty Contributes to America’s Nursing Shortage, Part I”
- Dec 2 House EWC Subcommittee on Select Education: Field Hearings: “How the Lack of Higher Education Faculty Contributes to America’s Nursing Shortage, Part II”

2nd Session (2006) -----

- Feb 9 Senate HELP Full Committee Hearing: “The Role of Education in Global Competitiveness with Department of Education Secretary Margaret Spellings”
- Feb 16 Senate HELP Full Committee Hearings (Roundtable): “Roundtable on Competitiveness: Building and Filling the Pipeline”
- Sept 1 House EWC: Full Committee Field Hearing (Greeley, CO): “Paying for College: Higher Education and the American Taxpayer”
- Sept 28 House EWC: Hearing before Subcommittee on 21st Century Competitiveness: “The Internet and the College Campus: How the Entertainment Industry and Higher Education are Working to Combat Illegal Piracy”

110th Congress (2007-08)

President R; Senate: D-51* (*I caucused with Democrats), R-49; House D-233, R-202

1st Session (2007) -----

- Feb 16 Senate HELP Full Committee hearing: “Higher Education, Higher Cost and Higher Debt: Paying for College in the Future”
- Mar 8 House Committee on Ed and Labor’s Higher education, Lifelong Learning, and Competitiveness Subcommittee Hearing: “The State of Higher Education: How Students Access and Finance a College Education”
- Mar 22 House Committee on Ed and Labor’s Higher education, Lifelong Learning, and Competitiveness Subcommittee Hearing: “The Higher Education Act: Approaches to College Preparation”
- May 1 House ELC Subcommittee on Higher Education, Lifelong Learning, and Competitiveness hearing: “Paying for a College Education: Barriers and Solutions for Students and Families”
- May 15 House ELC Full Committee hearing: “Best Practices for Making College Campuses Safe”
- May 17 House ELC Subcommittee on Higher Education, Lifelong Learning, and Competitiveness Hearing: “Preparing Teachers for the Classroom: The Role of the Higher Education Act and No Child Left Behind”
- June 4 House Committee on Ed and Labor’s Higher Education, Lifelong Learning, and Competitiveness Subcommittee Field (Austin, TX): Hearing: “Higher Education Act: Institutional Support for Colleges and Universities Under Title III and Title V” (in response to GAO report)
- June 20 Senate HELP Executive Session: “The Higher Education Access Reconciliation Act and the Higher Education Amendments of 2007”

2nd Session (2008) -----

- Mar 13 House ELC: Full Committee Hearing: “America’s Black Colleges and Universities: Models of Excellence and Challenges for the Future”
- Mar 14 House ELC: Full Committee Hearing: “Ensuring the Availability of Federal Student Loans” (re: credit crunch)
- Mar 17 Senate HELP Full Committee hearing: “Ensuring Access to College in a Turbulent Economy” (re: credit crunch)
- Apr 21 Senate HELP Field Hearing: “Fulfilling the Promise of an Affordable College Education”